IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:07-cr-00285-W

ACCRETIVE COMMERCE. INC.,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
KENCO GROUP, INC.,)	
)	
Defendant.)	
)	

THE MATTER is before the Court on Plaintiff's Motion in the Alternative for Limited Jurisdictional Discovery (Doc. No. 22), filed September 10, 2007. The motion has been fully briefed by the parties and is now ripe for ruling.

For the reasons stated in Plaintiff's Motion, the Court will grant limited jurisdictional discovery in this matter. The parties must serve their discovery requests within seven (7) calendar days from the date of this Order and are limited to five (5) interrogatories and five (5) requests for production of documents. Discovery pursuant to this Order is expressly limited to the issues raised by Defendant's motion to dismiss for lack of personal jurisdiction. Accordingly, counsel are cautioned to be specific and no broader than necessary in their interrogatories and requests. The parties must respond to the discovery requests within ten (10) calendar days from the date of service of said interrogatories and requests.

Consistent with the spirit, purpose, and explicit directives of the Federal Rules of Civil Procedure and this District's Local Rules, the Court expects all parties (and counsel) to attempt in good faith to resolve discovery disputes without the necessity of court intervention. Failing this, the parties are required, within forty-eight (48) hours after a discovery dispute arises, to schedule and

submit to an informal telephonic conference before the referral magistrate judge (or the presiding

district judge, if the magistrate judge is unavailable prior to the expiration of the forty-eight hours).

The judicial officer presiding over such a teleconference shall have jurisdiction to: (i) mediate the

parties' own resolution of the dispute; (ii) make a summary legal determination on the merits of the

dispute, if appropriate; (iii) require the aggrieved party to file a written motion to compel and/or set

an abbreviated briefing schedule, if appropriate; and (iv) award appropriate sanctions pursuant to

Rule 37.

Supplemental briefing by Defendant in support of its motion to dismiss shall be due Monday,

November 12, 2007. Plaintiff shall file its supplemental response on or before Friday, November

16, 2007.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Limited Jurisdictional Discovery

(Doc. No. 22) is GRANTED subject to the limitations and deadlines set forth herein.

IT IS SO ORDERED.

Signed: October 15, 2007

Frank D. Whitney

United States District Judge